

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Amendments and Support for Same

By the Response, claim 1 has been amended to more particularly point out and distinctly claim the subject matter of the invention. Support for the amendments can be found in, e.g., original claim 3 and Fig. 5 of the present application. No new matter has been added. Accordingly, claims 1-3 are respectfully submitted for consideration. Approval and entry of the amendments are respectfully requested.

2. Rejection under 35 U.S.C. §102(b)

With respect to the rejection of claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Minami (US 6,060,691), Applicant respectfully traverses the rejection at least for the reason that Minami fails describe each and every limitation recited in the rejected claims.

As amended claim 1 further recites, among other features, a radiant heating section surrounding the direct heating section, and flow path forming sections and joints are entirely covered by the main body, wherein the flow path forming sections and the joints are constructed so as to be heated by the radiant heat from the radiant heating section.

In the rejection, the Examiner contends that sheet 13 of Minami can be an aluminum plate of high conductivity, which would be a direct heating element, and heaters 12 would inherently provide radiant heating to the interior of the main body. However, Minami explicitly discloses that member 13 is an insulation silicon sheet interposed between a side heater 12 and a fluid controller body 2. Minami further discloses that the insulating silicon sheet may be replaced by an aluminum plate formed with a 30-micrometer-thick anodic oxide coating over its surface to afford insulation.

Although Minami does not explicitly disclose the functionality of the insulation member 13, it appears that such an insulation provides an even heat distribution to the side of the fluid controller. Moreover, Applicant respectfully asserts that the insulation sheet 13 is approximately the same size as the adjacent side heater 12 and the side of the fluid controller body 2. Hence, direct heating is applied to the fluid controller body.

Further, Minami describes a cushion member 17 of a silicon sponge mat with cushioning properties and heat-insulating property for pressing the side heater 12 against the fluid controller body 2, and holding members 14, 15 and a bottom holding member 16 are made of thermoplastic reinforced polyester resin. However, there is no teaching, disclosure, or suggestion in Minami of a radiant heating section surrounding the side heater 12. That is, Minami does not disclose a radiant heating section surrounding the direct heating section for heating the inside of the main body by radiant heat, as recited in amended claim 1.

According to the usage of the insulation property of the cushion 17 and the thermoplastic reinforced polyester resin in the holding members 14, 15, it appears that radiant heating is not possible or minimally effective in the device for heating fluid controller of Minami. In fact, Minami discloses the use of a bottom heater 53 in order to directly heat the bottom side of the fluid controller body 2. Hence, in view of the numerous direct heating means and the use of insulation materials described in Minami, the Examiner's contention that radiant heating is resulted from the side heater 12 of Minami is not supportable.

Moreover, Minami describes partially covered joints (i.e., inlet/outlet pipe coupling 6) as shown in Fig. 2 and uncover joints in Fig. 5. That is, Minami fails to disclose flow path forming sections and joints being entirely covered by the main body, and the flow path forming sections and the joints are constructed so as to be heated by the radiant heat from the radiant heating section, as recited in amended claim 1 of the present invention

Consequently, since each and every feature of the present claims is not taught (and is not inherent) in Minami, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claims 1-3, under 35 U.S.C. §102(b), as anticipated by Minami is improper.

In view of the amendment and arguments set forth above, Applicant respectfully requests the Examiner to consider Minami in its entirety as set forth in MPEP 2141.02(VI).

Further, Applicant respectfully requests reconsideration and withdrawal of the §102(b) rejection of claims 1-3.

3. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-3 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

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Respectfully submitted,

/Donald R. Studebaker/

Donald R. Studebaker

Registration No. 32,815

Studebaker & Brackett PC  
1890 Preston White Drive  
Suite 105  
Reston, Virginia 20191  
(703) 390-9051  
Fax: (703) 390-1277  
don.studebaker@sbpatentlaw.com